

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE III.5. DANGEROUS/VICIOUS ANIMALS OF THE CODE OF ORDINANCES, CITY OF MEMPHIS TO REQUIRE STERILIZATION OF DOGS WHO HAVE BITTEN AND DECLARE VICIOUS DOGS WHO HAVE BITTEN ONCE AND BEEN FOUND RUNNING AT LARGE TWICE**

**WHEREAS**, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of overpopulation of dogs, the overcrowding of the Memphis Animal Shelter and prevalence of dogs that are abused and abandoned by encouraging owners to spay or neuter their pets.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that **Section 5-64. Definitions.** be hereby amended to read as follows:

"Dangerous/vicious animal" means any dog, or animal of the canine family, that according to records of the appropriate authority has:

1. Aggressively bitten, attacked, or has otherwise inflicted injury on a human being on public or private property;
2. Severely injured or killed a human being;
3. Been used primarily, or in part, for the purpose of dog fighting or any other aggressive activity;
4. Aggressively and unprovoked, while off its owner's property, attacked another domestic animal causing serious injury or death;
5. Bitten once and been found at large twice.

**SECTION 2. BE IT FURTHER ORDAINED**, that **Section 5-70. Dogs or animals not declared dangerous/vicious.** be hereby amended to read as follows:

When an animal attacks and/or bites strangers:

A. If an animal that has not been declared dangerous/vicious under this chapter aggressively attacks and causes severe injury to, or death of, any human being, the owner of the animal shall be cited for failing to properly control the animal and shall be subject to a fine of fifty dollars (\$50.00).

B. In addition, the animal shall immediately be confiscated by the animal control authority and the provisions of this section relating to the classification of an animal as a dangerous/vicious animal shall be implemented.

C. This chapter and title does not apply to dogs or animals used by law enforcement officials for law enforcement work or purposes.

D. A dog or animal shall not be classified as dangerous/vicious if the threat, injury, or damage was sustained by a person, who at the time was tormenting, abusing, or assaulting the dog or its owner or handler, and it shall be considered an isolated incident.

E. An unaltered animal with a record of one bite and/or attack must be fitted with a microchip implant and spayed or neutered, not subject to any exemption under Sec. 5-85 of this Chapter, within thirty (30) days of the incident.

**SECTION 3. BE IT FURTHER ORDAINED,** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that this ordinance shall take effect on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN  
Council Member

HAROLD COLLINS  
Council Chairman

Attest:  
Patrice Thomas, Comptroller